

Appl. No. 09/965,224
Amdt. Dated May 27, 2005
Reply to Office action of March 9, 2005

REMARKS/ARGUMENTS

Claims 1-57 are pending in the present application.

This Amendment is in response to the Office Action mailed March 9, 2005. In the Office Action, the Examiner rejected claims 1-6, 10-16, 18-25, 29-35, 38-44, 56 and 57 under 35 U.S.C. §102(e); and claims 7-9, 17, 26-28, 36, 37, 45-47, 55 under 35 U.S.C. §103(a). Reconsideration in light of the remarks made herein is respectfully requested.

Rejection Under 35 U.S.C. § 102

1. In the Office Action, the Examiner rejected claims 1-6, 10-16, 18-25, 29-35, 38-44, 56 and 57 under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004,0268390 issued to Ibrahim Sezan et al. ("Ibrahim"). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of anticipation.

To anticipate a claim, the reference must teach every element of a the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Vergegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Since the Examiner failed to show that Ibrahim teaches or discloses any one of the claimed elements as discussed below, the rejection under 35 U.S.C. §102 is improper.

Ibrahim discloses an audiovisual information management system. A user description scheme 20 includes the user's personal preferences and information regarding the user's viewing history (Ibrahim, paragraph [0046]; Figure 1, element 20). A generation module 44 receives user information 48 including data for the user description scheme (Ibrahim, paragraph [0053]; Figure 2, elements 44 and 48). An audiovisual program analysis module 42 performs an analysis of the received program 38 to extract and provide program related information (descriptors) to the description scheme generation module 44 (Ibrahim, paragraph [0053]; Figure 2, elements 42)

Ibrahim does not disclose, either expressly or inherently, (1) a personalization engine to create personal preference information from a user regarding a content, the personal preference

Appl. No. 09/965,224
Amdt. Dated May 27, 2005
Reply to Office action of March 9, 2005

information being represented in a description compatible with a content analyzer in an edge server, as recited in independent claims 1, 20, and 39; (2) a content scheduler coupled to the personalization engine to schedule delivery of the content from the edge server and uploading of the personal preference information to the edge server, as recited in independent claims 1, 20 and 39; (3) as recited in independent claims 10, 29, and 48; and (4) as recited in independent claims 10, 29, and 48.

In the Office Action, the Examiner states that Ibrahim discloses a personalization engine, equating it with the elements 20, 40 in Figures 1 and 2 in Ibrahim. The Examiner also equates the claimed content analyzer and edge server with elements 42 and 16, respectively, in Figure 2 of Ibrahim (Office Action, page 3). Applicant respectfully disagrees.

Ibrahim merely discloses a user description scheme to include the user's personal preferences and user's viewing history. This is not the same as a personalization engine to create personal preference information in a description compatible with a content analyzer in an edge server. The user description scheme is provided to the analysis module 42 for selective analysis of the programs. The analysis module 42 and the description scheme generation module 44 are part of the audiovisual system 16. The system 16 is the audiovisual system located at the user's location to present to the user the content (Ibrahim, paragraph [0038]). It is not an edge server.

In the Office Action, the Examiner further states that Ibrahim discloses a content scheduler, equating it to the search, filtering, and browsing (SFB) module 52 in Figure 2 of Ibrahim. Applicant respectfully disagrees. The SFB module 52 merely performs filtering, searching, and browsing of the program 38 on the basis of the information contained in the description schemes (Ibrahim, paragraph [0054]). It does not schedule the delivery of the content from the edge server and uploading of the personal preference information. The system 16 merely receives the program 38 and is not capable of scheduling delivery of the content (Ibrahim, paragraph [0056]).

Therefore, Applicant believes that independent claims 1, 10, 20, 29, 39, 48 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejection under 35 U.S.C. §102(e) be withdrawn.

Appl. No. 09/965,224
Amdt. Dated May 27, 2005
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Rejection Under 35 U.S.C. § 103

2. In the Office Action, the Examiner rejected claims 7, 26, 28, and 45 under 35 U.S.C. §103(a) as being unpatentable over Ibrahim in view of U.S. Publication No. 2002/0032772 issued to Olstad et al. ("Olstad"); claims 8, 9, 27, 46, and 47 under 35 U.S.C. §103(a) as being unpatentable over Ibrahim and Olstad and further in view of U.S. Patent No. 5,638,531 issued to Crump et al. ("Crump"); and claims 17, 36, 37, and 55 under 35 U.S.C. §103(a) as being unpatentable over Ibrahim in view of U.S. Publication No. 2003/0093790 issued to Logan et al. ("Logan"). Applicant respectfully traverses the rejection and contends that the Examiner has not met the burden of establishing a prima facie case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *MPEP §2143, p. 2100-129 (8th Ed., Rev. 2, May 2004)*. Applicants respectfully contend that there is no suggestion or motivation to combine their teachings, and thus no *prima facie* case of obviousness has been established.

Ibrahim discloses an audiovisual information management system as discussed above.

Olstad discloses a method for searching and analysis information in data networks. A search index generated from a search cache is an index that can be utilized to build search engine services (Olstad, paragraph [0085]).

Crump discloses a multiprocessor integrated circuit with video refresh logic employing instruction/data caching and associated timing synchronization. An address decoder of a cache always selects the current set as well as the next set to cache ahead (Crump, col. 15, lines 41-43).

Logan discloses an audio and video program recording, editing and playback systems using metadata. The available metadata may be used to subdivide the incoming broadcasts into segments (Logan, paragraph [0054]). Metadata that is used to parse incoming segments may be made available from the parser at the remote facility (Logan, paragraph [0059]).

Ibrahim, Olstad, Crump and Logan, taken alone or in any combination, does not disclose, suggest, or render obvious (1) a content manager to manage the cached content, the

Appl. No. 09/965,224
Amdt. Dated May 27, 2005
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content manager including a retriever to retrieve the cache content, an indexer to index the cache content, and a distributor to distribute the retrieved cache content to a device, as recited in claims 2 and 7, 26, and 45; (2) a decryptor to decrypt the cache content and an archiver to archive the cached content, as recited in claims 8, 27, and 46; and (3) a content analyzer including a parser to parse the metadata, as recited in claims 17, 36, 37, and 55. There is no motivation to combine Ibrahim, Olstad, Crump and Logan because none of them addresses the problem of personalized content delivery. There is no teaching or suggestion that a personalization engine or a content scheduler is present. Ibrahim, read as a whole, does not suggest the desirability of personalizing content delivery.

Regarding claims 7, 26, 28, and 45, the Examiner states that Olstad discloses an indexer to index the cached content (Office Action, page 5). However, the cache content here refers to a search content which includes only requests, user information, result code for the web request, hash values for document content, document information, access statistics and databases of hosts or sites (Olstad, paragraphs [0051] to [0065]). These are not contents scheduled to be delivered to the user. Furthermore, Olstad does not disclose a distributor to distribute the retrieved cached content to a device.

Regarding claims 8, 9, 27, 46, and 47, the Examiner further states that Crump discloses a cache decryptor/decoder (Office Action, page 7). Applicant respectfully disagrees. Crump merely discloses an address decoder to select the next set. An address decoder is not the same as a decryptor. The cache used in the Crump is the cache memory used in a multiprocessor system, not a cache used in communication networks to deliver contents. Furthermore, Crump does not disclose an archiver to archive the cached content.

Regarding claims 17, 36, 37, and 55, the Examiner states that Logan discloses a parser to parse the metadata (Office Action, page 8). However, these are not metadata associated with the content scheduled to be delivered with personalized information.

The Examiner failed to establish a prima facie case of obviousness and failed to show there is teaching, suggestion or motivation to combine the references. "When determining the patentability of a claimed invention which combined two known elements, 'the question is whether there is something in the prior art as a whole suggest the desirability, and thus the obviousness, of making the combination.'" In re Beattie, Lindemann Maschinenfabrik GmbH v.

Appl. No. 09/965,224
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American Hoist & Derrick Co., 730 F.2d 1452, 1462, 221 USPQ (BNA) 481, 488 (Fed. Cir. 1984). To defeat patentability based on obviousness, the suggestion to make the new product having the claimed characteristics must come from the prior art, not from the hindsight knowledge of the invention. Interconnect Planning Corp. v. Feil, 744 F.2d 1132, 1143, 227 USPQ (BNA) 543, 551 (Fed. Cir. 1985). To prevent the use of hindsight based on the invention to defeat patentability of the invention, this court requires the Examiner to show a motivation to combine the references that create the case of obviousness. In other words, the Examiner must show reasons that a skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the prior elements from the cited prior references for combination in the manner claimed. In re Roufette, 149 F.3d 1350 (Fed. Cir. 1996), 47 USPQ 2d (BNA) 1453. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or implicitly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973. (Bd.Pat.App.&Inter. 1985).

In the present invention, the cited references do not expressly or implicitly suggest any of the above elements. In addition, the Examiner failed to present a convincing line of reasoning as to why a combination of Ibrahim, Olstad, Crump and Logan is an obvious application of personalized content delivery.

Therefore, Applicant believes that independent claims 1, 10, 20, 29, 39, 48 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicant respectfully requests the rejections under 35 U.S.C. §102(e), and 35 U.S.C. §103(a) be withdrawn.

Appl. No. 09/965,224
Amdt. Dated May 27, 2005
Reply to Office action of March 9, 2005

Conclusion

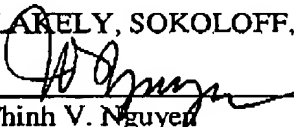
Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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By


Thinh V. Nguyen

Reg. No. 42,034

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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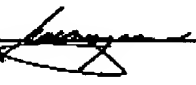
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